C.W.No.9778/05

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.9778/2005

Bharat Lal Meena

Versus

Rajasthan Civil Services Appellate Tribunal & Ors.

DATE OF ORDER :: 06/12/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Anoop Agrawal on behalf of Mr. Ajay Gupta, for petitioner
Mr. S.N. Gupta, Dy.G.A., for respondents

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This matter has come up on application filed under Article 226(3) of the Constitution for vacation of ex-parte stay order passed by this court dated 15th December, 2005.

Petitioner is working as Lecturer and was posted at Dausa pursuant to order dated 1st August, 2003. After working for almost two years, he was transferred vide order Annexure-7 dated 28th September, 2005 at Government College, Abu Road which was stayed by this court vide order dated 15th December, 2005. It has been informed that the place where the petitioner was transferred and posted pursuant to order dated 28th September, 2005 because of stay of this court one another incumbent Shri O.P. Basiya has been posted vide order dated 7th October, 2006. Since the post where the petitioner was transferred, has already been filled, obviously there cannot be any further order of transfer and

the order, which was impugned in the present writ petition, cannot now be executed/implemented qua the petitioner. In view of the fact which has come on record, the present petition has become infructuous.

Accordingly, the present writ petition is dismissed as having become infructuous. However, if there is any administrative exigency arises in future, the Government will be free to take appropriate administrative action in accordance with law.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.